

## **Personal Protective Equipment Regulations 2002**

The Regulations revoke and consolidate the Personal Protective Equipment (EC Directive) Regulations 1992 (as amended), which implement the product safety Directive, 89/696/EEC, on the approximation of the laws of the Member States relating to personal protective equipment. It comes into force on the 15th May 2002.

The Regulations place a duty on responsible persons who put personal protective equipment (PPE) on the market to comply with the following requirements:

- \* the PPE must satisfy the basic health and safety requirements that are applicable to that type or class of PPE.
- \* the appropriate conformity assessment procedure must be carried out
- \* a CE mark must be affixed on the PPE.

The Regulations will be enforced by the Weights and Measures Authorities (District Councils in Northern Ireland).

## **Personal Protective Equipment Regulations 2002**

These Regulations consolidate with amendments the Personal Protective Equipment (EC Directive) Regulations 1992, (S.I. 1992/3139; as amended by S.I. 1993/3074, S.I. 1994/2326 and S.I. 1996/3039 and extended by section 2(1) of the Economic Area Act 1993, c. 51).

These Regulations maintain the implementation of Council Directive 89/686/EEC on the approximation of the laws of the Member States relating to personal protective equipment (O.J. No. L399, 30.12.89, p. 18), as amended by Council Directive 93/68/EEC (O.J. No. L220, 30.8.93, p.1), Council Directive 93/95/EEC (O.J. No. L276, 9.11.93, p. 11) and Council Directive 96/58/EC (O.J. No. L236, 18.9.96, p.44), which was originally implemented by S.I. 1992/3139.

For the purposes of these Regulations, relevant definitions are contained in regulation 2. Regulations 3 to 7 provide for the application of the Regulations. There are exclusions and dis-applications of the Regulations in certain circumstances including transitional arrangements which apply to certain personal protective equipment ("PPE") which was placed on the market before 1 July 1995. Regulations 8 to 12 set out the general requirements relating to the placing on the market or supply (which includes putting into service in specified circumstances) of PPE.

Regulation 8 places the duty on any responsible person who places PPE on the market to comply with certain requirements. These requirements are that the PPE must satisfy the basic health and safety requirements which are applicable to that class or type of PPE, the appropriate conformity assessment procedures must have been carried out, CE marking must have been correctly affixed and the PPE must not compromise the safety of individuals, domestic animals or property when properly maintained and used.

The basic health and safety requirements applicable to a particular class or type of PPE are set out in Schedule 2. There is a presumption that the relevant basic health and safety requirements applicable to a class or type of PPE are met if the PPE complies with transposed harmonised standards (regulation 8(2)(a)).

The appropriate conformity assessment procedures applicable to different types of PPE are set out in regulation 11 by reference to Schedule 3, which lays down the technical documentation to be supplied by the manufacturer, Schedule 7, which sets out the EC type-examination procedure, Schedule 8, which sets out the checking of PPE manufactured and Schedule 9 which sets out the EC declaration of production conformity.

Regulation 9 requires that any person who supplies PPE must ensure that it is safe. For the purposes of this regulation supplying PPE includes putting PPE into service in specified circumstances.

Requirements relating to the CE marking of PPE are set out in regulation 12 and Schedules 4 and 6.

Regulations 13 to 15 make provisions as regards the appointment of approved bodies to carry out conformity assessment procedures and/or surveillance together with fees which such bodies may charge and the procedures required by the approved body in the event of such a body refusing to issue or withdrawing an EC type-examination certification.

Regulations 16 to 20 and Schedule 10 provide for the enforcement of the Regulations. Except in the case of PPE which, when used in accordance with its intended purpose, in the opinion of an enforcement authority, may endanger the safety of persons and, where appropriate, domestic animals or property, where an enforcement authority suspects that the CE marking has been incorrectly affixed to PPE a notice may be served requiring compliance with the provisions of the Regulations. These Regulations provide that any person who contravenes regulation 8 or 9 will be guilty of an offence under regulation 17 and the penalties attracted by those offences are set out in regulation 18. The powers of enforcement authorities are provided in Schedule 10. Regulation 19 provides for the defence of due diligence and regulation 20 provides for the liability of persons other than the principal offender. Paragraph 1(d) of Schedule 10 enables proceedings to be brought within a period of 12 months after the offence was committed.

As these Regulations maintain the implementation of Council Directive 89/686/EEC on the approximation of the laws of the Member States relating to personal protective equipment, as amended, a transposition note setting out how the Government will transpose into UK law the main elements of this Directive is available from the Department of Trade and Industry, STRD, 151 Buckingham Palace Road, London, SW1W 9SS. Copies of the transposition note have been placed in the libraries of both Houses of Parliament.

At the time of making these Regulations the text of Statutory Instruments made from 1987 onwards have been available under HMSO website at [www.legislation.hmso.gov.uk/stat.htm](http://www.legislation.hmso.gov.uk/stat.htm)